

and that he had done no deed before his decease to derogate thereto ; which duply was repelled, and the said reply was found relevant. No. 246.

Act. *Craig.*Alt. *Hope & Belcher.*Clerk, *Gibson.**Durie, p. 322.*

1628. *March 5.* M'GILL *against* EDMONSTON.

In an action for delivery of a bond between M'Gill and Edmonston, the pursuer having a bond made to him upon some monies by a principal debtor, and some cautioners therein mentioned, which being subscribed by the principal party, and by some of the cautioners, and so delivered to the pursuer in his hands ; thereafter he delivers the same to the defender, to be subscribed by him, his name being inserted therein as one of the cautioners nominated in the bond, and which was subscribed by the said defender, and retained still in his hands ; and therefore the pursuer pursues for exhibition and delivery of the same to him, as his own evident ; and the defender alleging, that seeing the bond came never in the pursuer's hands since his subscription thereof, he might lawfully cancel and take his own name therefrom ;—the Lords found this relevant, and that the defender could not be compelled to exhibit the bond subscribed by him, but that it was lawful to him at any time, before the bond came in the pursuer's hands, since his subscribing thereof, to repent, and so cancel his subscription ; but found, that he ought to exhibit and deliver the same to the pursuer, in that same state as it was when he received it, so far as concerned the other parties subscribers thereof.

Clerk, *Scot.**Durie, p. 355.*

1629. *January 19.* DAWSON *against* BANNATYNE, &c.

In an action between Elizabeth Dawson, daughter to Margaret Brown, La. Humbie, and Dame Elizabeth Bannatyne, La. Humbie and Comston, the Lords found it was not necessary to allege that the reversion became Humbie's evident after so long a time, but that the presumption militates in the contrary.

Kerse MS. f. 70.

1629. *July 13.* LUNDIE *against* DALRYMPLE.

Writs and evidents being impignorated for 300 merks, and the haver thereof is pursued therefore by one that had bought the land, the defender gave in a qualified oath, that the said writs were impignorated ; which the Lords found relevant.

Auchinleck MS. p. 258.

No. 247.

Monolateral
deeds *inter*
vivos not
effectual
without de-
livery.

No. 248.

No. 249.